

# COMMITTEE ON APPROPRIATIONS (P)

***Representative Russell K. Pearce, Chairman***  
***Representative Lucy Mason, Vice-Chairman***  
***Michael Huckins, Legislative Research Analyst***  
***René Guillen, Assistant Research Analyst***



*	Strike-everything Amendment
[E]	Emergency Clause
[P 108]	Proposition 108 Clause
[LIV]	Line Item Veto

<b>Bill</b>	<b>Chapter</b>	<b>Short Title</b>	<b>Page</b>
HB 2187	130	state budget estimates; report .....	43
HB 2395	269	*fire suppression; land department; appropriation .....	43
SB 1072	254	*civil liability; presumptions; police tools .....	43
SB 1248	362	*osteoporosis; appropriation .....	43
SB 1371	368 [E]	sex offenders; GPS monitoring; appropriations .....	43
SB 1376	369	capital case litigation; public defender.....	44
SB 1441	372	*wildlife habitat; restoration fund; appropriation.....	44
SB 1554	272 [E]	*home cooking schools; regulation; exemption.....	44

**HB 2187 – Chapter 130 – state budget estimates; report**

Specifies that the director of the Arizona Department of Administration (ADOA) and the State Treasurer must provide a coordinated report to the Joint Legislative Budget Committee (JLBC) by February 1 of each year accounting for any differences between ADOA's annual financial report and the daily cash balance of the State Treasury.

**HB 2395 – Chapter 269 – \*fire suppression; land department; appropriation**

Makes supplemental appropriations to the State Land Department for fire suppression services.

- Appropriates \$2 million from the state General Fund to the State Land Department in FY 2005-06 for new fire suppression services.
- Appropriates \$4 million from the state General Fund to the State Land Department in FY 2005-06 to pay outstanding fire suppression expenses.

**SB 1072 – Chapter 254 – \*civil liability; presumptions; police tools**

Outlines presumptions that apply to any civil liability case with regard to the victim, the law enforcement officer, the manufacturer of police tool products, and the State of Arizona when a person is harmed in the commission of a criminal act involving a felony.

- Stipulates if a court finds by a *preponderance of the evidence*, that a plaintiff is harmed while attempting to commit, committing or fleeing after having committed or attempted to commit a felony criminal act, the following presumptions apply to any civil liability action or claim:
  - ⇒ A victim or peace officer is presumed to be acting reasonably when threatening or using physical force or deadly physical force to either: protect himself against another person's use or attempted use of physical force or deadly physical force; make an arrest, prevent or assist in preventing a plaintiff's escape.
  - ⇒ This State and its political subdivisions are presumed to have reasonably hired and trained these peace officers to use physical force or deadly physical force if a peace officer threatens to either: protect himself against another person's use or attempted use of physical force or deadly physical force; make an arrest, prevent or assist in preventing a plaintiff's escape.
  - ⇒ The *police tool product* that caused physical harm is presumed not to be defective and the manufacturer is presumed not to be negligent, if prior to sale, the product either: conforms with generally applicable state of the art safety when the product was designed, manufactured, packaged and labeled; complies with any applicable code, standard, regulation or specification established or approved by the United States, the State of Arizona or any of their agencies.

**SB 1248 – Chapter 362 – \*osteoporosis; appropriation**

Appropriates \$300,000, which is exempted from lapsing through June 30, 2008, and designates three FTE positions from the state General Fund in FY 2006-07 to DHS for purposes related to osteoporosis research and prevention.

**SB 1371 – Chapter 368 [E] – sex offenders; GPS monitoring; appropriations**

Beginning November 1, 2006, requires GPS monitoring for the entire term of probation, if probation is imposed after the conviction of a dangerous crime against children. Adds the Class 4 felony of *interference with monitoring devices*, which is committed by either: being required to be on electronic or GPS monitoring and removing or bypassing any device or equipment that is necessary for proper monitoring, or assisting any person who is required to be on electronic or GPS monitoring in removing or bypassing any device or equipment that is necessary for proper monitoring.

- Requires ADC to assign any person convicted of a DCAC and in the department's custody to GPS monitoring upon the person's release on parole, community supervision, work release or other conditional or temporary release.
- Authorizes ADC to enter into a contract for GPS monitoring services.
- Establishes the 13-member Joint Legislative Study Committee on Global Positioning System Monitoring (Committee) and outlines issues for the Committee to review.
- Requires the Committee to submit a report regarding the committee's activities and recommendations on or before December 1, 2006 to the Governor, the President of the Senate, the Speaker of the House of Representatives, and to provide a copy to the Secretary of State and the Director of the Arizona State Library, Archives and Public Records.
- Repeals the Committee from and after December 31, 2006.
- Appropriates \$750,000 in FY 2006-07 from the state General Fund to ADC for the purpose of funding the electronic monitoring of sex offenders.
- Appropriates \$750,000 in FY 2006-07 from the state General Fund to the Supreme Court for the purpose of funding the electronic monitoring of sex offenders.
- Exempts the appropriations from lapsing through June 30, 2008.

**SB 1376 – Chapter 369 – capital case litigation; public defender**

Establishes the State Capital Postconviction Public Defender Office (SCPPDO) and appropriates \$220,000 for the implementation of the office.

- Requires the Supreme Court to appoint counsel from SCPPDO to represent a capital defendant unless a conflict exists or the court makes a finding that the office cannot represent the defendant.
- Changes the county public defender training fund to the public defender training fund and makes SCPPDO eligible to receive monies from the fund.
- Changes references to the *county public defender* to the *county employed indigent defense counsel*
- Specifies that counsel appointed to represent defendants in cases where SCPPDO cannot provide representation must meet specified qualifications.
- Establishes the State Capital Postconviction Public Defender Office.
- Requires SCPPDO to request reimbursement for 50% of the costs incurred by providing representation, not to exceed \$30,000 per case.
- Stipulates that the Governor shall appoint the State Capital Postconviction Public Defender on the basis of merit to serve one four year term.
- Establishes the criteria for the State Capital Postconviction Public Defender.
- Establishes the State Capital Postconviction Public Defender's salary as equal to the Chief Counsel of the Capital Litigation Section in the office of the Attorney General.
- Establishes the duties of the State Capital Postconviction Public Defender.
- Stipulates that the postconviction public defender may only accept and spend gifts and grants for improving and enhancing the ability of SCPPDO to perform its responsibilities and employ not more than three deputies or more than four other employees and establish offices as needed.
- Establishes the 10-member Nomination, Retention and Standards Commission on Indigent Defense (Commission). Stipulates that Commission members serve three-year terms.

- Stipulates that each Commission member must retain the occupational status under which the member was appointed during each member's term.
- Specifies that the members of the commission shall elect the chairperson, who may not serve consecutive terms.
- Stipulates that upon a vacancy, the Commission must submit at least three names of nominees to the Governor for the office of State Capital Postconviction Public Defender, two-thirds of which may not come from the same political party.
- Terminates the State Capital Postconviction Public Defender Office on June 30, 2012.
- Appoints the state capital postconviction public defender for a term beginning February 1, 2007 and ending on January 31, 2011.
- Provides an effective date of December 31, 2006.
- Appropriates \$220,000 from the state General Fund in FY 2006-07 to SCPPDO.
- States that the purpose of the State Capital Postconviction Public Defender Office is to represent a person who is not financially able to employ counsel in postconviction relief proceedings in state court after a judgment of death has been rendered.

**SB 1441 – Chapter 372 – \*wildlife habitat; restoration fund: appropriation**

Establishes the Wildlife Habitat Restoration and Enhancement Fund (Fund) consisting of legislative appropriations.

- Allows the director of the Arizona Game and Fish Department to direct the State Treasurer to invest and divest monies in the fund, and any monies earned from investment shall be credited to the fund.
- Directs the Commission to:
  - ⇒ Monitor and oversee specific projects for which the legislature appropriates monies.
  - ⇒ If necessary, change the priority of specific appropriated projects, subject to the approval of the Commission at a public hearing.
  - ⇒ Submit a semiannual report detailing goals, objectives, and funding of the Fund to the Speaker of the House, President of the Senate, Appropriations Chairmen, the Governor, and provide copies to the Secretary of State and Director of the Arizona State Library, Archives and Public Records.
- Appropriates \$3.5 million from the state General Fund in FY 2006-07 to the Fund for specific, prioritized projects.

**SB 1554 – Chapter 272 [E] – \*home cooking schools; regulation; exemption**

Exempts specific places and events from regulation by the Department of Health Services (DHS) relating to food production, handling, storing or distribution.

- Exempts noncommercial social events, fundraisers, and cooking schools where the food is prepared at an owner-occupied home, a place determined as non-hazardous and a place where food and drink is prepared and served at an employee-conducted function that lasts less than four hours and is not regularly scheduled from normal regulation from DHS.
- Allows cooking schools set in private homes to be exempt from standard DHS rules if the school is preparing or serving food only once per day, serving no more than 15 students, and if the students are informed in writing that the school is not bound by the Department.